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Review of “Management-Union Arbitration,” By Maxwell Copelof

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bargaining is "a means for handling problems opportunistically without any general policies and without a philosophical base," and through a program of "voluntarism" come to a realization that they must "somehow 'get together' and acquire the 'know-how' for building up collective bargaining as a highly constructive social institution."

Professor Taylor's book must be read with a critical eye, but with that, it is recommended reading for every student of industrial relations.

WILLIAM F. GUFFEY, JR.†

MANAGEMENT-UNION ARBITRATION. By Maxwell Copelof. New York: Harper and Brothers, 1948. Pp. xiv, 345. \$5.00 cloth.

Labor-management arbitration has advanced rapidly in importance and scope within the last ten to fifteen years as it has become generally recognized as an alternative to economic warfare. The advance, indeed, has been so rapid that an entirely new profession has been born. If the lawyer's place in society is justified by the lubricating effect he has on the wheels of commerce and business, then, the professional arbitrator may well claim that his is the lubricant that keeps the wheels of labor-management relationships rolling smoothly and in alignment.

Mr. Copelof has endeavored in his book to point out some of the disputes that arise and the methods used to solve them. He has not neglected to point out some of the limitations of arbitration although he is quick to note, and perhaps rightly so, that such limitations are largely imposed by either labor or management or both and are not necessarily the result of the system of arbitration itself.

By its nature, Mr. Copelof's book will have its greatest value for the beginners in this field. One might wish that the author had utilized the opportunity to report more specifically on the techniques of arbitration. Instead he has compiled a vast amount of case material which, by and large, is presented without critical comment. At times, the book resembles a law student's casebook rather than the explanatory textbook it was meant to be. Mr. Copelof has chosen to emphasize the types of disputes that arise for settlement rather than the techniques used in their solution. The reader is likely to experience an uneasy feeling that the methods used for solving those disputes are likely to be harder to find than the problems themselves. One might well wish that the author had seen fit to particularize on the methods of arbitration as fully as he has on the disputes themselves.

However, the book does give the uninitiated a chance to make a preliminary exploration in the field. The first three chapters will be particularly helpful to those individuals who voluntarily or necessarily must school themselves in arbitration procedures.

In the first chapter, the author lists and discusses the categories of disputes that are appropriate questions for arbitration. From that beginning, Mr. Copelof branches out in the next chapter to a discussion of the selection of the arbitrator. The various methods of selecting the arbitrator and the

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merits of a permanent arbitrator as opposed to a temporary arbitrator are subjected to competent experienced analysis. The question of a single arbitrator as contrasted with a board of arbitrators also comes under scrutiny. From that point, Mr. Copelof advances to a discussion of the preparation and presentation of cases for arbitration proceedings. The reader receives in this third chapter a warning note that is constantly repeated throughout the remainder of the book; a warning of the importance of the "submission"—the framing of the questions for the arbitrators' consideration and the limits of his authority in dealing with those questions.

With these first three chapters as a basis, Mr. Copelof proceeds to an exhaustive and sometimes exhausting case study of the various types of disputes that have arisen and how those disputes were mastered. The lawyer-reader of the book will find some difficulty at first in reconciling himself to the apparent lack of "stare decisis" in the reported cases. He is urged to remember that "stare decisis" is an elusive doctrine to follow when the terms of the "submission" may vary so widely although the same basic dispute is involved.

One theme is prevalent throughout Mr. Copelof's volume. He stresses time and time again and with good cause that harmonious labor-management relations cannot result solely from resort to arbitration; that, rather, harmony must come from a sincere desire of both labor and management to cooperate for the common welfare. Suspensions and animosity cannot result in salubrious labor-management relations. Mr. Copelof has justly emphasized the role that the arbitrator can play in removing such suspicions or, at least, in pointing out to either or both sides that their attitudes toward each other constitute the real evils that must be remedied rather than the specific disputes that are to be arbitrated.

Taken as a whole, Mr. Copelof has turned out a worth-while book in this new and still puzzling field. The wisdom of this experienced arbitrator is at the disposal of the careful and discriminating reader.

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